

# SHAW KELLER LLP

John W. Shaw  
I.M. Pei Building  
1105 North Market Street, 12<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 298-0700  
(302) 298-0701 – Direct  
jshaw@shawkeller.com

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**BY CM/ECF**

The Honorable Colm F. Connolly  
United States District Court  
844 N. King Street  
Wilmington, DE 19801

Re: *VoiceAge EVS LLC v. HMD Global Oy*, C.A. No. 19-1945-CFC

Dear Judge Connolly:

Pursuant to D. Del. LR 7.1.2(b), Defendant HMD Global Oy (“HMD”) respectfully notifies the Court of recent subsequent authority, *AntennaSys, Inc. v. AQYR Techs., Inc.* (Case No. 19-2244) (Fed. Cir. Oct. 7, 2020) (“AntennaSys”) (attached as Exhibit 1) relevant to HMD’s Motion to Dismiss Plaintiff’s Complaint Pursuant to Fed. Rs. Civ. P. 12(b)(1) and 12(b)(6). D.I. 7.

*AntennaSys* holds that a district court must consider—as a “threshold” matter—whether the allocation of rights in license and assignment agreements preclude a plaintiff from bringing its claims. *AntennaSys* at 5, 7, 10–12. This holding supports the arguments made in HMD’s Opening Brief (D.I. 8) at pages 13 and 15–16, and in its Reply Brief (D.I. 15) at pages 8–10, regarding nonpublic agreements of Plaintiff, its predecessors, and its funders.

Respectfully,

*/s/ John W. Shaw*

John W. Shaw (No. 3362)

cc: Clerk of the Court (by CM/ECF)  
All counsel of record (by CM/ECF and email)